

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 30, 42-45 and 47 are currently being amended.

No claims are currently being added.

This amendment amends in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 18, 25-26, 30 and 40-49 remain pending in this application.

Comments Re: Examiner Interview Conducted on November 8, 2005:

Applicant's representative greatly appreciates the courtesies extended to him by Examiner Le and by Primary Examiner Ahmed, during a personal interview conducted at the PTO on November 8, 2005. During that interview, it was agreed by all parties that all of the presently pending claims comply with 35 U.S.C. § 112, 1st paragraph, and that the preambles of the claims rejected under 35 U.S.C. § 101 would be amended to overcome that rejection. Accordingly, independent claims 30 and 47 have been amended to fully comply with 35 U.S.C. § 101, and dependent claims 42-45 have also been amended to fully comply with 35 U.S.C. § 101. As a result, all of the presently pending claims are believed to be in allowable form.

Claim Rejections – 35 USC § 101

In the Office Action, claims 30, 42-45 and 47 were rejected under 35 U.S.C. § 101 because the terminology “a medium” is non-statutory. By way of this amendment and reply, independent claims 30 and 47 have been amended to positively recite a computer readable medium, and dependent claims 42-45 have been amended in a similar manner. Accordingly, claims 30, 42-45 and 47 now fully comply with 35 U.S.C. § 101.

Claim Rejections - 35 USC § 112

In the Office Action, claims 18, 25-26, 30 and 40-49 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As agreed to by all parties during the Examiner Interview conducted on November 8, 2005, all of the presently pending claims comply with the written description requirement.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 15, 2005

By Phillip J. Articola

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Registration No. 25,479

Phillip J. Articola
Registration No. 38,819